

From Status to Mobility: On Gender and Global Lawyering

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Steven A. Boutcher and Carole Silver, *Gender and Global Lawyering: Where Are the Women?*, **Ind. J. Global Legal Stud.** (forthcoming 2013), available at [BePress](#).

Globalization has been a hot topic for the legal profession for many years, but analysis of global law firms has mostly ignored something increasingly conspicuous in research on domestic law firms: gender. When I was doing fieldwork in American law firms' China offices 5-6 years ago, I could not help but notice a fascinating phenomenon: most of these offices were staffed by an overwhelmingly large proportion of female lawyers, usually at the level of associates and legal assistants. This was in sharp contrast to the situation in Chinese domestic law offices, where women accounted for less than 20% of the lawyer workforce (see Ethan Michelson's paper on [gender inequality in the Chinese legal profession](#)). I have been thinking about this puzzle for years and pondered some possible explanations, until I read the path-breaking article that Steven Boutcher and Carole Silver recently wrote on gender and global lawyering.

In this article, Boutcher and Silver ask a basic question: Does globalization affect women differently than men in terms of status attainment in the law firm? The answer, not surprisingly, is yes, but the interesting part is how, and how much it varies from one place to another. Based on an original dataset of a sample of 55 U.S.-based law firms with overseas offices collected by [Silver, Phelan, and Rabinowitz](#) in 2006-2007, the authors examine the distribution of 6,211 lawyers in a total of 243 offices in seven different jurisdictions, namely, Belgium, China (mainland), England, France, Germany, Hong Kong, and Japan. The article classifies lawyers according to three variables: gender (male and female), education and licensing (local lawyers, U.S. expats, and other expats), and status in the law firm (partners, associates, and counsel). Then it uses a number of crosstabs to compare the status of men and women across jurisdictions, focusing on the issue of partnership.

Several findings are particularly striking. First, U.S. expats who work in overseas offices are significantly more likely to be partners (46.2%) than both local lawyers working in the same offices (30.8%) and U.S. lawyers working in domestic offices (32.8%). This advantage of U.S. expats, however, is gendered: while 54.7% of the U.S. expat men are partners, the partnership rate for U.S. expat women is only 22.4%, though it is still higher than the rate for women lawyers in domestic offices of American law firms (17.6%). Second, although male domination in partnership is universal across the seven jurisdictions, there are notable variations. In Belgium, for example, U.S. expats are predominantly partners, even for women (60.0%). In contrast, in Germany, the partnership rate for U.S. expat women is only 10.0%, while the rate for their male counterparts is 63.0%—the gender gap is even wider than the gap between local male and female lawyers in the same German offices.

Two related findings are that in the majority of the jurisdictions, local women are the most disadvantageous group in global law firms; and that the partnership rates for local men are lower than the rates for U.S. expat women in three jurisdictions, namely, Belgium, Hong Kong, and China (mainland). These observations suggest an important, but understudied, source of inequality in global law firms, that is, the inequality between expats and local lawyers. Boutcher and Silver's analysis clearly shows the disadvantages of local lawyers in global law firms across gender and jurisdictions. Such disadvantages are the most salient in Hong Kong and mainland China, where only less than 20% of local

male lawyers and less than 10% of local female lawyers are partners. This finding is consistent with what I found in [an earlier article on the Chinese corporate law market](#), where Chinese associates often face a broken career trajectory because of the very low chances of partnership promotion in Anglo-American law firms. My speculation from qualitative evidence is that the low rate of local partners partially explains why local female associates often dominate these overseas offices, because local male associates are more likely to choose elite domestic law firms where they are paid less well but have a much higher chances of becoming partners. Many local women in global law firms, in contrast, would move to become in-house counsel or exit the profession after working as associates for a few years.

Increasingly, lawyers' career mobility has become a key for understanding the production of status hierarchies in law firms, both domestically and globally. One weakness in Boutcher and Silver's illuminating study is that it only examines the percentages of partners in different categories of lawyers, but we still know little about how these lawyers develop their careers in global law firms or how they move between domestic and overseas offices. In this sense, the "partnership rate" in this article is not really about the chances of promotion, but about the composition of lawyers with varying career paths in different offices of global law firms. This problem is mainly due to data constraint—the dataset that Silver and her co-authors collected only contains the basic biographical information of these global lawyers from firm websites and other public sources such as Martindale-Hubbell. It is impossible to draw systematic career patterns from the data without knowing where the lawyers come from and where they go after leaving these overseas offices. Nevertheless, Boutcher and Silver's study still provides a pioneering analysis for a promising new area for empirical research on the legal profession. My hope is that future studies on this topic can adopt a more processual perspective and focus on the mobility of lawyers across countries and firms rather than the static descriptions of status and inequality. As I argue in a recent paper ("[The Legal Profession as a Social Process](#)"), the theoretical move from status to mobility is a core component of a paradigm shift in studying lawyers and globalization.

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